

OCT 27 2006

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 4, 2006. Upon entry of the amendments in this response, claims 1, 4 – 7, 10 – 12, 15, 16, 19, 20, 27 and 28 are pending. In particular, Applicant has added claims 27 and 28, has amended claims 1, 6, 15 and 26, and has canceled claims 2 and 3 without prejudice, waiver, or disclaimer. Applicant has canceled claims 2 and 3 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. §102

The Office Action indicates that claims 1 – 7, 10 – 12, 19, 20 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Murphy*. With respect to claims 2 and 3, Applicant has canceled these claims and respectfully asserts that the rejection of these claims has been rendered moot. With respect to the remaining claims, Applicant respectfully traverses.

In this regard, *Murphy* involves a system that acquires image data responsive to an alarm. Specifically, *Murphy* discloses:

A method and apparatus for providing a vehicle theft alarm using a handheld computing device. A handheld computing device is disclosed that includes an image capture device, a location determination system and a communication device. The handheld computing device can be used for capturing images and transmitting images to other locations via the communication device. The handheld computing device also includes a position determining system for determining position of the vehicle. The handheld computing device can be located within a vehicle and the alarm system activated such that, *upon the occurrence of an alarm triggering event,*

*the image capture device captures images of the driver's compartment of the vehicle and the location determination system determines the location of the vehicle.* The captured images and the determined location are transmitted through the communication device to a designated remote location.

(*Murphy* at Abstract). (Emphasis added).

Based on the foregoing, it is clear that *Murphy* does not acquire image data based on a determined location since the location is not even determined until the image data is acquired. This is in direct contrast to the limitations recited in Applicant's independent claim 1.

In this regard, Applicant has amended claim 1 to recite:

1. An identification service system for providing information to a user, said identification service system comprising:
  - a first identification device having a locator and a transmitter, said locator being configured to facilitate determining a location of said first identification device, said first identification device being further configured to store identification information, said identification information corresponding to a first user, said transmitter being configured to transmit information associated with the location of said first identification device and identification information corresponding to the first user; and
  - a services system configured to communicate with the first identification device, the services system being further configured to receive information associated with the location of the first identification device and identification information corresponding to the first user such that, in response thereto, the services system provides information to the first user based, at least in part, on the location of said first identification device;

*wherein the services system comprises an image capturing device positioned to acquire image data corresponding to a designated location, the image capturing device being independently located with respect to the first identification device and operative to acquire image data corresponding to a current location of the first identification device responsive to determining that the first identification device is located at the designated location.*

(Emphasis Added).

Applicant respectfully asserts that *Murphy* is legally deficient for the purpose of anticipating claim 1. In particular, Applicant respectfully asserts that *Murphy* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 1. That is, Applicant respectfully asserts that *Murphy* does not involve acquisition of "image data corresponding to a current location of the first identification device responsive to determining that the first identification device is located at the designated location," as recited in claim 1.

Therefore, Applicant respectfully requests that the rejection of claim 1 be removed and that claim 1 be placed in condition for allowance.

Since claims 4 – 7, 10 – 12, 19 and 20 are dependent claims that incorporate all the features/limitations of claim 1, and are not otherwise rejected in the Action, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

By way of example, claim 6 additionally recites:

6. The identification service system of claim 1, further comprising:  
a second identification device configured to communicate with said services system, said second identification device having a locator and a transmitter, said locator being configured to facilitate determining a location of said second identification device, said second identification device being further configured to store identification information, said identification information corresponding to a second user, said transmitter being configured to transmit information associated with the location of said second identification device and identification information corresponding to the second user to said services system such that said service interaction system provides information to the second user based, at least in part, on the location of said second identification device; and  
*wherein said image-capturing device is configured to simultaneously capture image data corresponding to the current location of said first identification device and a current location of said second identification device.*

(Emphasis Added).

Applicant respectfully asserts that this claim clearly is in condition for allowance because *Murphy* is not involved with at least the additional features emphasized above.

Notably, Applicant has reviewed the Office Action and is unable to locate any mention of at least these aspects of claim 6 as being met by a teaching of Murphy. Therefore, Applicant respectfully requests that claim 6 be placed in condition for allowance.

Applicant respectfully notes that several statements are included in the Office Action regarding statements of intended use and various MPEP sections, i.e., MPEP sections 2114 and 2115; however, these statements do not appear to have been applied in any manner to the examination of the pending claims. (Office Action at page 4). Generally, the statements

appear to be misapplied in several respects. First, Applicant respectfully asserts that the functional language "operative to" does not denote intended use or field of use as contended. In particular, "operative to" denotes a functional limitation that serves to define the invention. Clearly, the use of functional limitations in claims is permissible and should properly be afforded patentable weight. (See MPEP 2173.05(g), for example). Second, the case cited pertaining to MPEP sections 2114 and 2115 appear to have been misconstrued and/or not recognized for their respective limited legal holdings.

#### Rejections Under 35 U.S.C. §103

The Office Action indicates that claims 15 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Murphy* in view of *Aslandogan*. Applicant respectfully traverses.

In particular, Applicant respectfully asserts that *Aslandogan* is legally deficient, in that it does not remedy the aforementioned inadequacies of *Murphy*. Specifically, *Aslandogan* does not teach or reasonably suggest the use of an image-capturing device in the manner recited in the claim 1, from which claim 15 depends. Therefore, for at least this reason, Applicant respectfully requests that the rejection of claims 15 and 16 be removed and that the pending claims be placed in condition for allowance.

Additionally, claim 15 recites:

15. The identification service system of claim 1, wherein said services system includes a routing system, said routing system being configured to receive a request for routing from a first location to a second location from the first user and, in response thereto, *determine the location of the user and access of the user corresponding to those locations to which the first user is authorized access for routing, and provide the first user with information corresponding to a proposed route for the first user to travel from the location of the user to the second location, the information being based, at least in part, on the access of the user.*

(Emphasis Added).

Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 15 unpatentable. In particular, Applicant respectfully asserts that the cited art does not teach or reasonably suggest at least the features/limitations emphasized above in claim 15. That is, Applicant respectfully asserts that the cited art does not involve "access of the user corresponding to those locations to which the first user is authorized access for routing," as recited in claim 15. Therefore, Applicant respectfully requests that the rejection of claim 15 be removed and that claims 15 and 16 be placed in condition for allowance.

**Newly Added Claims**

In this response, Applicant has added new claims 27 and 28 and respectfully asserts that these claims are in condition for allowance. In this regard, claim 27 recites:

27. An identification service system for providing information to a user, said system comprising:  
a services system configured to communicate with a first identification device, the services system being operative to receive information, from the first identification device, associated with the location of the first identification device and identification information corresponding to a first user of the first identification device such that, in response thereto, the services system provides information to the first user based, at least in part, on the location of the first identification device;  
wherein the services system includes a routing system configured to receive, from the first identification device, a request for routing from a first location to a second location and, in response thereto, *determine the location of the user and access of the user corresponding to those locations to which the first user is authorized access for routing, and provide the first user with information corresponding to a proposed route for the first user to travel from the location of the user to the second location, the information being based, at least in part, on the access of the user.*

(Emphasis Added).

Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 27 unpatentable. In particular, Applicant respectfully asserts that the cited art does not teach or reasonably suggest at least

the features/limitations emphasized above in claim 27. That is, Applicant respectfully asserts that the cited art does not involve "access of the user corresponding to those locations to which the first user is authorized access for routing," as recited in claim 27. Therefore, Applicant respectfully requests that claims 27 and 28, which depends from claim 27, be placed in condition for allowance.

**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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